

### **REMARKS/ARGUMENTS**

This paper is submitted in response to the Final Office Action dated May 25, 2007. At that time, claims 1, 3-11, 13-34, and 40-50 were pending in the application. In the Office Action, the Examiner objected to the Abstract. The Examiner also rejected claims 1, 3-11, 13-34, and 40-50 under the written description requirement of 35 U.S.C. § 112. Claims 1, 3-4, 7-8, 9-10, 16-22, 24-25, 27-30, 32-33, 40-44, 47-48 and 50 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,406,056 to Yokota (hereinafter "Yokota"). Claims 9, 26, 34, and 49 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Yokota in view of U.S. Patent No. 5,744,776 issued to Bauer (hereinafter "Bauer"). Claims 1, 5-6, 11, 13-14, 16, 22, 23-25, 27, 30-33, 40, 45-48, and 50 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,303,951 issued to Goestenscors (hereinafter "Goestenscors") in view of Yokota. Claims 9, 15, 26, 34, and 49 were rejected under 35 U.S.C. § 103(a) in view of Goestenscors in view of Yokota and in further view of Bauer.

#### **I. Specification Objection**

The Applicant has amended the "Abstract" as requested by the Examiner. Favorable consideration and withdrawal of this objection is respectfully requested.

#### **II. Rejection of Claims 1, 3-11, 13-34, and 40-50 Under 35 U.S.C. § 112**

The Examiner rejected claims 1, 3-11, 13-34, and 40-50 as failing to comply with the written description requirement of § 112. Specifically, the Examiner asserted:

The specification does not clearly describe what is meant by "there is no opening between the substrate surface and the instrument panel when the airbag module is installed onto an interior of the vehicle." The specification does not provide a clear description of how or where the substrate surface and the instrument panel do not have an opening between them. The examiner suggests clarifying the specification or clarifying the claim language. The examiner has taken the meaning to possibly mean that the applicant is trying to get that the substrate surface is an invisible airbag door and therefore no visible seam form the position of the occupant of the vehicle.

Office Action, p. 3. As a result of this paper, independent claims 1, 11, 16, 27, 40 have been amended to recite that there is no "visible seam" that is visible when then airbag is installed onto the vehicle, as suggested by the Examiner. Applicant clearly was in possession of this concept, as illustrated by Figures 1-2 and paragraph [0033] of the specification. Accordingly, as Applicant was clearly in possession of this concept, the rejection under § 112 should be withdrawn. Favorable consideration is respectfully requested.

**III. Rejection of Claims 1, 3-4, 7-8, 9-10, 16-22, 24-25, 27-30, 32-33, 40-44, 47-48 and 50 Under 35 U.S.C. § 102(b)**

The Examiner rejected claims 1, 3-4, 7-8, 9-10, 16-22, 24-25, 27-30, 32-33, 40-44, 47-48 and 50 under 35 U.S.C. § 102(b) as being anticipated by Yokota. This rejection is respectfully traversed.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." MPEP § 2131 (*citing Verdegall Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Yokota in that Yokota does not disclose all of the elements in these claims. Specifically, independent claims 1, 11, 16, 27, and 40 have been amended to recite that the substrate surface "lacks a tear seam." Support for this claim element is found throughout Applicant's specification, including Figures 1-2. Such a claim element is not taught or suggested by Yokota. On the contrary, to the extent that Yokota's element 26 constitutes the claimed "substrate surface," this element clearly includes tear seam 38, as shown in Yokota's Figure 2 and described in Yokota's col. 3, lines 13-24. Accordingly, as Yokota fails to teach a system in which the substrate surface "lacks a tear seam," this reference cannot anticipate independent claims 1, 11, 16, 27, and 40 under § 102(b).

Claims 3-4 and 7-10 depend either directly or indirectly from independent claim 1. Claims 17-22 and 24-25 depend either directly or indirectly from independent claim 16. Claims 28-30 and 32-33 depend either directly or indirectly from independent claim 27. Claims 41-44, 47-48 and 50 depend either directly or indirectly from independent claim 40. Accordingly, Applicant respectfully requests that the rejection of claims 3-4, 7-8, 9-10, 17-22, 24-25, 28-30, 32-33, 41-44, 47-48, and 50 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1, 16, 27, and 40. Withdrawal of these rejections is respectfully requested.

**IV. Rejection of Claims 9, 26, 34, and 49 are Rejected Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 9, 26, 34, and 49 under 35 U.S.C. § 103(a) as being unpatentable over Yokota in view of Bauer. This rejection is respectfully traversed.

In order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. *See* MPEP § 2143.03. Claims 9, 26, 34, and 49 all require that the substrate surface "lacks a tear seam." As explained above, this claim element is not taught or suggested by Yokota. In this regard, Bauer also fails to teach or suggest this claim element. Accordingly, as all of the claim elements have not been taught or suggested by the cited references, claims 9, 26, 34, and 49 cannot be rejected under § 103(a). Withdrawal of these rejections is respectfully requested.

**V. Rejection of Claims 1, 5-6, 11, 13-14, 16, 22, 23-25, 27, 30-33, 40, 45-48, and 50 Under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1, 5-6, 11, 13-14, 16, 22, 23-25, 27, 30-33, 40, 45-48, and 50 under 35 U.S.C. § 103(a) as being unpatentable over Goestenskors in view of Yokota. This rejection is respectfully traversed.

In order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. *See* MPEP § 2143.03. Specifically, independent claims 1, 11, 16, 27, and 40 have been amended to recite that "the substrate includes an orifice positioned below the decorative overlay." Support for this claim element is found

throughout Applicant's specification, including Figures 1-2 and paragraph [0039]. Such a claim element is not taught or suggested by the cited references.

Rather, to the extent that Goestenshors or Yokota teach a "decorative overlay" or a "substrate," there is no indication that such references further teach that the substrate includes an "orifice positioned below the decorative overlay," as required by the independent claims. See e.g., Goestenshors Figure 2. Accordingly, as this claim element is not taught or suggested by the references, the rejection under § 103(a) cannot be maintained. Withdrawal of this rejection is respectfully requested.

Claims 5-6 depend either directly or indirectly from independent claim 1. Claims 13-14 depend either directly or indirectly from independent claim 11. Claims 22 and 23-25 depend either directly or indirectly from independent claim 16. Claims 30-33 depend either directly or indirectly from independent claim 27. Claims 45-48 and 50 depend either directly or indirectly from independent claim 40. Accordingly, Applicant respectfully requests that the rejection of claims 5-6, 13-14, 22, 23-25, 30-33, 45-48, and 50 be withdrawn for at least the same reasons as those presented above in connection with independent claims 1, 11, 16, 27, and 40. Withdrawal of these rejections is respectfully requested.

**VI. Rejection of Claims 9, 15, 26, 34, and 49 Under 35 U.S.C. § 103(a)**


The Examiner rejected claims 9, 15, 26, 34, and 49 under 35 U.S.C. § 103(a) in view of Goestenhors in view of Yokota and in further view of Bauer. This rejection is respectfully traversed.

As mentioned above, in order to sustain a rejection under 35 U.S.C. § 103(a), each and every claim element must be taught or suggested by the cited references. *See* MPEP § 2143.03. In the present case, claims 9, 15, 26, 34, and 49 all require that "the substrate includes an orifice positioned below the decorative overlay." This claim element is not, as discussed above, taught or suggested by Goestenshors or Yokota. Likewise, Bauer also fails to teach or suggest this claim element. Accordingly, as this claim element is not taught or suggested by the references, the rejection under § 103(a) cannot be maintained. Withdrawal of this rejection is respectfully requested.

## VII. Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

  
Sally J. Brown  
Reg. No. 37,788  
Attorney for Applicant(s)

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Autoliv ASP, Inc.  
3350 Airport Road  
Ogden, Utah 84405  
Telephone: (801) 625-4994

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